

**MINUTES OF THE CITY COUNCIL MEETING  
HELD ON  
JULY 13, 2016**

The regular meeting of the Mechanicville City Council was held at the Senior Center, North Main Street, Mechanicville, NY on Wednesday July 13, 2016.

Roll Call:	Mayor Baker	Present
	Commissioner Duell	Present
	Commissioner Gilheany	Present
	Commissioner Higgins	Present
	Commissioner Hipwell	Present

Anthony Accetta led the Pledge of Allegiance to the Flag.

Mayor Baker: Can I have a motion to accept the minutes of the June meetings as follows:

June 8, 2016	Commissioner Duell	Commissioner Higgins
Roll Call:	AYES 5	NAYS 0
June 16, 2016	Commissioner Gilheany	Commissioner Duell
Roll Call:	AYES 5	NAYS 0
June 20, 2016	Commissioner Gilheany	Commissioner Higgins
Roll Call:	AYES 5	NAYS 0

Commissioner Reports were as follows:

Mayor Baker: Commented on the progress of the Route 67 Bridge, it is on schedule, deck has been poured on the south side, and sidewalks will be poured soon. They will begin working on the north side of the bridge mid-August as long as all goes as planned and weather permitting.

Commissioner Duell: Update on the boiler for the fire house, the city received \$32,468.00 from the insurance company, \$3,000 from NYSEG for a total of \$35,468. The cost of the boiler will be \$932.00 to the city. Residents considering going solar can stop into the Accounts Office and pick up an informational packet on going solar. Water grant was \$508,760

and has been increased to \$884,760. Sewer collection is up 7.28% from last year, as well is the water collection. Grievance Day for tax assessments is scheduled for July 19, 2016 at the Senior Center from 4-8 PM.

Commissioner Gilheany: Read a statement. Please see attached.

Commissioner Higgins: The city has been put on water restriction; this impacts all city residents as well as residents in other towns who purchase water from the City of Mechanicville. If you live on the even side of a street you can use water on even days and vice versa for the odd side of the street on odd days.

Commissioner Hipwell: Progress on the Veterans Monument in Talmadge Park is moving forward hope to have a ceremony on Veterans Day. Commissioner Hipwell commented on questions that Commissioner Gilheany brought up within her statement in regards to employees within his department using PTO after a holiday. Commissioner Hipwell stated that it was his mistake to allow it to happen. Commissioner Hipwell questioned Commissioner Gilheany on her Deputy working a holiday to cover for time the Deputy took off the week prior and received comp time. Commissioner Hipwell stated that his deputy does many duties for the senior center, playgrounds, etc. Commissioner Hipwell questioned the policy for abstaining from a vote for a relative, Commissioner Higgins abstained in regards to his brother being hired, yet voted when his son was hired.

Commissioner Gilheany commented on the issue with her Deputy working 4<sup>th</sup> of July, stated it was training and she could of paid her according to Dept. of Labor time and a half, so she saved the city money by having her use comp time. Commissioner Gilheany also said that it is not illegal for Commissioner Higgins to vote but according to the Attorney General, NYCOM it gives the appearance of impropriety.

Commissioner Hipwell questioned Commissioner Gilheany on the requested change in a Resolution. Commissioner Gilheany said that she received an amended Resolution to what she had been given earlier in the week. Commissioner Duell replied that this was a mix up and it had been taken care of prior to the meeting.

City Attorney Val Serbalik: 2012 Tax Foreclosure will go to Saratoga County Court on July 29, 2016. 2013 Tax Foreclosure is waiting on a 30 day period and then we will proceed with foreclosure.

Supervisor Richardson: Absent

MPD Chief Waldron: Commented on the hiring of 2 new police officers. Each new officer has gone through many test to get to this point, these positions are budgeted. Chief Waldron lends his support to both officers. Family Day was a good day, not many disturbances and it went well, traffic at intersections took about 20 minutes. The police dept. received complaints about fireworks being shot off throughout the city. Chief Waldron stated that any fireworks that are propelled into the air are not legal, with the houses in the city so close together, we need to be mindful of this and the potential for a fire. Chief Waldron stated that they have collected approximately 90% of the money that they budgeted for Revenues for the 2016 Budget year. Translates into end of year the police dept. budget will have surplus of \$20,000-\$25,000. Chief Waldron also noted for pedestrians and drivers to be diligent in paying attention to surroundings, there was a car pedestrian fatal accident on the corner of South St and Central Avenue. Chief Waldron extended his sympathies to the Craft family.

MFD Chief Alonzo: Absent

Public Comment:

Don Fletcher from B & L commented on the SEQRA for the Main Street Improvement Project for the City of Mechanicville to be lead agency, see Resolution 65-16. First step is the Resolution, plans have been completed and ready for DOS. September meeting will authorize the project and go to bid.

Kim Dunn, 250 South Main Street, questioned the sewer and water collection, any unpaid fees what is the process. Commissioner Duell replied that they are relieved to the tax bills. Great news on boiler cost to the city being minimal, Route 67 Bridge project completion do we have a time, Mayor Baker stated that the completion date is middle of October for substantial completion. Auction for tax foreclosed properties are we having an auction on the 29<sup>th</sup>? Attorney Serbalik replied with that is when the court date at the county is, tax sale will be in the fall. Resolution 61-16 auto accident, are we going after someone for that. Commissioner Duell replied that the insurance company did not pay for the total cost to replace the damaged pole so the city is seeking legal action against to recoup the total cost of damages. One of the special meetings to vote to pay engineer for additional time, is it a done deal? Commissioner Duell stated that the council would be meeting in executive session with Mike Hurtt from CHA to discuss the need for the additional money for the project.

Dave Hicks 241 First Avenue, questioned Resolution 66-16 Deputy Commissioner of Public Safety and it being fiscally responsible for the increase in salary, when Commissioner

Hipwell stated that the new employee would be hired for \$28,000 and wanted to know why the position was not advertised. Commissioner Hipwell stated that he interviewed 6 individuals; they would have been new employees in need of training. Stephanie was retained to help train the new employee and would have been paid for her service. Mr. Hicks asked if she was sworn into Deputy Position, Commissioner Hipwell stated that she was sworn in. Stephanie cannot be sworn in until after the meeting. Would the new employee be a civil service or a deputy, Commissioner Hipwell stated it would be a Deputy position.

Tony Accetta, 52 South Main Street. Mr. Accetta aside of the council meetings how many times does the council get together and actually talk. The Mayor stated that if more than 3 council members are together it is a meeting. Is there a chance to change it, Mayor Baker stated no. Mr. Accetta does not like the concept of commissionerships, he feels that when there are 5 different cooks in the kitchen it will create problems. Mr. Accetta stated that he can see the tension between the council. Mr. Accetta suggested that we should all be working together and communicating better so that we can all prosper and someday we can change the commissionership.

Melissa LeMay asked about the firetruck delivery and payment. Mayor Baker stated that USDA has said next Monday for the letter of award.

Kim Dunn spoke about proper policy and procedures for the council and we should stay consistent it will only help everyone. When it comes to resignations we should be consistent in how we accept them and what is done by resolution and what is not, also listing dates of effectiveness. The council needs to be mindful of communication to the residents.

Dave Hicks, asked about the questions that he submitted to Commissioner Duell, he wanted to know the status for answers. Commissioner Duell contacted NYSEG for answers and had not yet received a reply. Questions in regards to water tanks were addressed by Commissioner Duell, Commissioner Higgins and Don Fletcher from B & L; previously they were too replaced and they are now being repaired. This was done by a company that used a robot to inspect the tanks, this will save money in the project. Commissioner Duell stated that she is working on the remaining questions.

Commissioner Duell read Resolution 61-16: Authorization for City Attorney to take legal action.

Introduced by Commissioner Higgins

Seconded by Commissioner Hipwell

AYES 5

NAYS 0

Commissioner Duell read Resolution 62-16: Supplemental Agreement South St. Hill Project

Introduced by Mayor Baker	Secoded by Commissioner Higgins
AYES 5	NAYS 0

Commissioner Duell read Resolution 63-16: Saratoga County Animal Shelter Contract

Introduced by Commissioner Hipwell	Secoded by Mayor Baker
AYES 5	NAYS 0

Commissioner Duell read Resolution 64-16: Charles Wheeler Sr. LOSAP

Introduced by Commissioner Higgins	Secoded by Commissioner Hipwell
AYES 5	NAYS 0

Commissioner Duell read Resolution 65-16: Lead Agency SEQRA Main Street Improvements Project

Introduced by Mayor Baker	Secoded by Commissioner Higgins
AYES 5	NAYS 0

Commissioner Duell read Resolution 66-16: Deputy Commissioner of Public Safety

Introduced by Commissioner Hipwell	Secoded by Mayor Baker	
AYES 3	NAYS 1	ABSTAIN 1

Commissioner Duell read Resolution 67-16: Secretary to Mayor

Introduced by Mayor Baker	Secoded by Commissioner Hipwell
AYES 5	NAYS 0

Commissioner Gilheany read Resolution 68-16: Budget Transfers

Introduced by Commissioner Gilheany	Secoded by Commissioner Duell
AYES 5	NAYS 0

Commissioner Gilheany read Resolution 69-16: Payroll and Vouchers

Introduced by Commissioner Gilheany	Secoded by Commissioner Duell
AYES 5	NAYS 0

Commissioner Duell read Resolution 70-16: Full-time Police Officer Paul M. Zurlo

Introduced by Mayor Baker	Secoded by Commissioner Duell
AYES 5	NAYS 0

Commissioner Duell read Resolution 71-16: Full-time Police Officer Joseph M. McQueen

Introduced by Mayor Baker

AYES 5

Seconded by Commissioner Duell

NAYS 0

Commissioner Duell read Resolution 72-16: William Street Abandonment

Introduced by Mayor Baker

AYES 5

Seconded by Commissioner Higgins

NAYS 0

Commissioner Duell read Resolution 73-16: William Street sale to Capital District Ventures LLC

Introduced by Commissioner Higgins

AYES 5

Seconded by Mayor Baker

NAYS 0

New Business: Mayor Baker spoke about the hire of the new police officers. The testing, both written and physical, we have chosen a couple of strong candidates who will do our city proud.

Old Business: NONE

Mayor Baker asked for Executive Session at 7:51 PM

Introduced by Commissioner Higgins

Seconded by Commissioner Gilheany

Mayor Baker closed Executive Session at 8:25 PM

Introduced by Commissioner Higgins

AYES 4

NAYS 0

Seconded by Commissioner Hipwell

ABSENT 1

Meeting Adjourned at 8:25 PM

Introduced by Commissioner Higgins

AYES 4

NAYS 0

Seconded by Mayor Baker

ABSENT 1

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE  
TRANSCRIPT OF THE PROCEEDINGS OF THE CITY COUNCIL  
AT A MEETING DULY ASSEMBLED THIS 10<sup>th</sup> DAY OF

August, 2016

Michelle L. Duell  
CITY CLERK

Before I start my report tonight, I would like to apologize in advance if my voice gets loud. I am not yelling; I am just very passionate about what is RIGHT and what is WRONG.

I take my elected position as Commissioner of Finance and all it entails very seriously. I ran for this position because I honestly thought I could make a difference. The citizens of this City chose to elect me (and the rest of this Council) because they believed we would be fiscally responsible and would make decisions on their behalf that would be beneficial to our City and all of our residents. I'm sure they did not intend for ANY of us to abuse our authority or power. I believe in doing the right thing and verifying that we are all following the rules, regulations, policies, procedures and laws so that we do NOT get the City into any trouble -- fiscally, legally or otherwise. I have some very serious concerns regarding recent issues that have been happening at City Hall.

The first item I would like to address is the situation with the new fire truck. I would like OUR VOLUNTEER fire department to know that I appreciate everything that they do for our City. They are a priceless resource. This is NOT about any of them although sadly they are caught up in it. Unfortunately, there was no LEGAL quick, easy fix for this. In order for me to have written a check out of the General Fund, we would have had to budget the purchase or had secured financing. Needless to say, we did not budget the \$427,000 (that would have been a tax increase of just over 21% for

the truck) nor was the financing secured at the time of delivery of the fire truck.

To understand why I couldn't legally just write a check out of the City's General Fund for \$427,000, I will need to start at the beginning. Over the past year and half when the purchase of a new truck was being considered, there were various discussions on how we would be able to afford this purchase and how we would make the payments over a period of 15-20 years. There were several discussions and resolutions acted upon at various meetings over the past year and a half such as bonding the money for 15-20 years, possibly getting a grant to cover part of the purchase price, etc.

However, I didn't find out that the new truck was being delivered until it was parked at the firehouse on Friday, July 1st. At that time, I received a phone call from my Deputy alerting me that it was there and that the Mayor needed a check in the amount of \$427,000 to pay for the truck. Needless to say I was a little shocked that the fire truck was here already but the City hadn't yet secured a way to pay for it. Apparently, I was left out of the loop on its intended delivery date. I then contacted Bernard P. Donegan's Office to find out when we were scheduled to go out and bond the fire truck --- which is how we normally finance capital purchases such as a fire truck, bridge projects, etc.

Only to find out that the City was not bonding the fire truck at all but getting a loan from the USDA. I want to be clear that neither my office nor I had any direct involvement with the USDA Grant or Loan paperwork, process, etc. Bonding or getting a loan -- either



way is fine as long as we are all aware and that the proper process is being followed to secure the financing. I then contacted our Auditors to find out if I could LEGALLY write a check out of the City's General Fund to pay for the fire truck. I was informed that unless I had an AWARD LETTER from the USDA clearly outlining that we had been AWARDED and were guaranteed the money, that it would be ILLEGAL for me to issue a check. Can you imagine if I had gone ahead and written the check and then we were denied the funding?? I informed the Mayor of all of these FACTS and he gave me a letter dated 7/5/16 from the USDA (I have the letter here if anyone would like to see it) which clearly states it is a "LETTER OF CONDITIONS" not an AWARD LETTER. The letter of conditions states specifically that "this letter is NOT to be considered as loan or grant approval or as a representation as to the availability of funds. The Mayor felt that the letter of conditions was sufficient to write the check out of City funds. However, I made him aware again that it would not be LEGAL for the City to do this and I wasn't going to put myself or the City in this compromising position. I needed the actual AWARD LETTER before I could legally cut a check for that purchase. On Wednesday, 7/6/16 I was told by Commissioner Duell that the award letter was being sent via UPS that same day. I have been waiting to get that letter so I could write the check but have yet to receive it. If I had known any of this previously, I would have made sure the firetruck was not delivered prior to securing financing and the City and the Council would not have been put in a position to look like fools.

The next item I would like to address is Resolution 66-16. I first want to make it VERY CLEAR THAT THIS IS NOT PERSONAL AT ALL. This resolution is to approve a salary of \$32,000 for Stephanie Sullivan being appointed as Deputy Commissioner of Public Safety. She was making \$31,000 when she resigned effective June 17, 2016. I don't understand why the Council would increase anyone's salary when they are choosing to come back.

As a Council member and a taxpayer, I am totally appalled and disgusted that we would increase anyone's salary that resigned and then wanted to return. Especially since Tim told the Council that a replacement Deputy would only be offered \$28,000. I am sure we would have plenty of applicants willing to take that position for \$28,000 especially if we posted the job and advertised.

I would like to give you a little history on this position. Stephanie was a Civil Service employee when she was hired. Tim felt she would have security as a Civil Service employee versus a Deputy Commissioner. At the City Council meeting on 4/1/15, Stephanie was appointed as a Deputy Commissioner of Public Safety. To quote the minutes of the 4/1/15 City Council meeting, "Comm. Hipwell said he didn't go to her, she came to him and they had a long talk and he asked her to stay where she was but she prefers to be a Deputy. She's not getting any more money or anything like that just the title changed at this time." Then come budget time, he wants to give her a 6.4% increase when all other City Hall employees received 2%. All Council members agreed with the increase except for me. Now 6 months later he wants to give her another 3.2%. I don't comprehend why we would do that when a replacement would have only made \$28,000; that is \$4,000 less than what Tim currently wants to pay her. She made the choice to resign. What people don't seem to realize is the salaries for the City Hall employees is only for 6 hours a day. To put it into perspective, her annual salary prior to resignation would be \$41,333 if she worked 8 hours per day.

This is an insult to the rest of the City Hall employees. We know what the salaries are when we take the job. If we don't like the salary, then we have the option not to take the job. This is also harmful to the City come time for contract negotiations. They say that the City could afford a 9.6% increase in salary in one year why shouldn't they receive that also. This is a governmental agency not a corporation that has profits. These are taxpayers' dollars that we are talking about here. I don't believe this falls under the category of being fiscally responsible to taxpayers or other employees.

I would also like to comment that I believe as does our City Attorney that Commissioner Higgins should abstain from voting on this resolution since it is a relative. It is not illegal to vote on a salary and benefits for a relative, but it is the opinion of the Attorney General and

NYCOM that it is inappropriate to vote on salary and benefits for a family member. They feel it is morally and ethically inappropriate and gives the appearance of impropriety.

I don't know how any Council member can justify this increase. I have to tell you that I feel there are back door deals being made. This is just my personal opinion. My feelings on this have nothing to do with Stephanie as a person or an employee. I am sure she does a great job, but we have other employees in City Hall that do a great job as well but I do not see how you can justify a 9.6% increase for one person.

There are many times when I am just finding out what is going on from the Agenda's. It is very disheartening when you try and do the right thing and you are constantly being blindsided.

We have a Commissioner that doesn't feel he has to follow the rules. He went to payroll and gave payroll changes that had not been voted on by the Council. He has allowed someone with no vacation time to take vacation and use their sick leave. He was also insistent about paying someone for a personal day after a holiday when it directly states in the Employee Handbook that "Personal leave cannot be used the working day before or the working day after an employee's vacation or paid holiday."

I would also like to comment on the fact that this resolution and Resolution 67-16 regarding appointing personnel and salaries does not include dates. I have brought this to the attention of the Council members who wrote these resolutions that I don't understand on how we can vote on these without dates. I know these items are not effective until after the Council votes, but the dates should be on the resolutions. We need to be transparent to the public.

That is all I have for right now.